

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

ANGELA SCHALALBEO,

Plaintiff,

v.

DAMCO DISTRIBUTION SERVICES,
INC., THE MAERSK GROUP, MAERSK,
DCLI, MAERSK EQUIPMENT SERVICE,
COMPANY, INC. t/a DIRECT
CHASSISLINK, INC., DIRECT
CHASSISLINK, INC. MSC,
MEDITERRANEAN SHIPPING CO. USA,
HERCULES CHASSIS and HERCULES
ENTERPRISES,

Defendants.

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ON NOTICE TO:

Prothonotary, Court of Common Pleas, Philadelphia County, Pennsylvania
Office of the Prothonotary
Philadelphia City Hall
284 City Hall
Philadelphia, PA 19107

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Steven M. Mezrow, Esquire
Adam C. Davis, Esquire
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Attorneys for Defendants
Hercules Enterprises and Hercules Chassis

Frank Gattuso, Esquire
Brian M. Dib, Esquire
Sweeney & Sheehan
1515 Market Street, Suite 1900
Philadelphia, PA 19102
*Attorneys for Defendants
Damco Distribution Services, Inc.,
The Maersk Group and Maersk*

NOTICE OF REMOVAL

Background and Parties

1. Plaintiff commenced this action by writ of summons on November 15, 2022.
2. On December 28, 2022, Plaintiff filed a Complaint. A true and correct copy of Plaintiff's Complaint is attached as Exhibit A.
3. Defendant Direct ChassisLink, Inc. d/b/a DCLI now timely removes the lawsuit to the United States District Court for the Eastern District of Pennsylvania within the 30 day time period required by 28 U.S.C. § 1446(b)(1).

Basis for Removal to Federal Court

4. Plaintiff is an adult citizen of the Commonwealth of Pennsylvania who resides at 1202 Emily Street in Philadelphia, Pennsylvania, 19148. (*See* Ex. A ¶ 1.)
5. Defendant Direct Chassislink, Inc. d/b/a DCLI is a Delaware Corporation with its principal place of business at 3525 Whitehall Park Drive, Suite 400, Charlotte, North Carolina, 28273.
6. Defendant Hercules Chassis, LLC t/a "Hercules Chassis" t/a "Hercules Enterprises" is a Delaware Limited Liability Company with its principal place of business at 321 Valley Rd, Hillsborough Township, NJ 08844.

7. Defendant Damco Distribution Services, Inc., was a Delaware Corporation with its principal place of business in Florham Park, New Jersey. Damco Distribution Services, Inc., merged into Performance Team LLC. Performance Team LLC changed its name to Maersk Warehousing & Distribution Services USA LLC. Maersk Warehousing & Distribution Services USA LLC is a Delaware Corporation with its principal place of business in Florham Park, New Jersey.

8. Defendant A.P. Moller-Maersk A/S (improperly designated as “The Maersk Group”) is a Denmark corporation with its principal place of business at Esplanaden 50. 1098 Copenhagen K. Denmark.

9. Defendant Maersk Agency, U.S.A., Inc. (improperly designated as “Maersk”) is a Delaware corporation with its principal place of business at 9300 Arrowpoint Boulevard, Charlotte, North Carolina, 29273.

10. Defendant Maersk Equipment Service Company, Inc. t/a Direct Chassislink, Inc. is not an active corporation but is believed to be a withdrawn Delaware corporation that once had its headquarters in New Jersey.

11. Defendant MSC is properly identified Mediterranean Shipping Company S.A., a Swiss corporation with its principal place of business at 12-14 Chemin Rue, 1208 Geneva, Switzerland.

12. Defendant Mediterranean Shipping Company, U.S.A. is a New York corporation with its principal place of business at 420 5th Avenue 37th Street New York, NY 10018.

13. Defendant Maersk Equipment Service Company, Inc. t/a Direct Chassislink, Inc. is not an active corporation but is believed to be a withdrawn Delaware corporation that once had its headquarters in New Jersey.

14. For diversity jurisdiction purposes, corporations are citizens of the state in which they are incorporated as well as the state in which they maintain their principal place of business. *See* 28 U.S.C. § 1332(c)(1).

15. The allegations in the Complaint indicate that the total amount of damages claimed by Plaintiff exceeds \$75,000.00. (*See* Ex. A.)

16. The statute governing the jurisdiction of the United States district courts provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . Citizens of different States.” 28 U.S.C. § 1332(a)(1)(a).

17. Federal law authorizes removal of actions filed in state court to the federal district court in which the state court is located: “Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

18. Because this case involves complete diversity of citizenship and an amount in controversy greater than \$75,000.00, removal of the case to the United States District Court for the Eastern District of Pennsylvania is proper pursuant to 28 U.S.C. §§ 1332 and 1446(c)(2)(B).

19. The United States District Court for the Eastern District of Pennsylvania is the proper venue for this case under 28 U.S.C. § 1441(a) because the state court where this matter was originally filed is located within the district.

20. This Notice of Removal is timely filed under the federal removal statute because it was filed within 30 days of service of Plaintiff's Complaint upon Defendant Direct Chassislink, Inc. *See* 28 U.S.C. § 1446(b).

21. Pursuant to 28 U.S.C. § 1446(d), Defendant Direct Chassislink, Inc. filed copies of this Notice of Removal and its related papers with the Prothonotary of the Court of Common Pleas of Philadelphia County in order to effect removal of this action.

22. Copies of all pleadings, process, and other filings made in the Court of Common Pleas of Philadelphia County, which is the state court in which this matter originated, are attached to this Notice, as required by 28 U.S.C. § 1446(a). True and correct copies of pleadings and other filings in *Schalalbeo v. Damco Distribution Services, Inc., et al.*, Court of Common Pleas, Philadelphia County, Pennsylvania, Case No. 221101563, are attached as Exhibit B.

23. All Defendants who have been served have consented to the removal of this action in writing. True and correct copies of consent from all Defendants are attached as Exhibit C.

24. By service of this Notice of Removal, Defendants provide written notice of this filing to Plaintiff, as required by 28 U.S.C. § 1446(a).

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Direct ChassisLink, Inc. d/b/a DCLI respectfully requests that the above-captioned matter now pending in the Court of Common Pleas, Philadelphia County, Pennsylvania be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted this 18th day of January, 2023,

KAUFMAN DOLOWICH & VOLUCK, LLP



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EASTERN DISTRICT OF PENNSYLVANIA**

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Plaintiff,	:	
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INC., THE MAERSK GROUP, MAERSK,	:	
DCLI, MAERSK EQUIPMENT SERVICE,	:	
COMPANY, INC. t/a DIRECT	:	
CHASSISLINK, INC., DIRECT	:	
CHASSISLINK, INC. MSC,	:	
MEDITERRANEAN SHIPPING CO. USA,	:	
HERCULES CHASSIS and HERCULES	:	
ENTERPRISES,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Christopher J. Tellner, Esquire, hereby certify that a true and correct copy of the Notice of Removal of Defendant Direct ChassisLink, Inc. d/b/a DCLI was served via electronic mail and First-Class U.S. Mail, postage prepaid, upon the following:

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Dated: January 18, 2023